

REMARKS**Pending Claims**

Claims 1, 2, 7-9, 13, 14, and 25-41 are pending. Claims 3, 4-6, 10-12, and 15-24 have been canceled in a previous submission.

Claim Rejections – 35 USC §112

Claims 1, 2, 7-9, 13, 14, and 25-41 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, the Examiner objected to the use of reference characters (A), (B), etc. as being indefinite in this case. In view of this objection, claims have been amended to eliminate the reference characters. Instead, the elements are referenced to as a “first portion,” a “second portion,” and so forth. Withdrawal of this rejection is respectfully requested. No new matter has been added.

Claim Rejections – 35 USC §101

Claims 1, 2, 7-9, 13, 14, and 25-41 have been rejected under 35 USC §101 because the claimed invention is allegedly directed to non-statutory subject matter (i.e. allegedly claiming a part of the human body). Claim 1 has been amended as suggested in the Office Action by incorporating the phrase “adapted to” to obviate this rejection. No new matter has been added. Withdrawal of this rejection is respectfully requested.

Claim Objections

Claims 1, 2, 7-9, and 25-28 have been objected to for containing informalities. The informalities as pointed out by the Examiner have been addressed in the amendments to the claims as attached. No new matter has been added.

Claim Rejections – 35 USC §102

Claims 1 and 2 have been rejected under 35 USC 102 as being anticipated by US Patent Number 3,756,247 to Hand. However, claims 1 and 2 are not anticipated by Hand at least for the following reasons.

Claim 1 recites as follows:

Claim 1 (currently amended): A garment comprising a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body, wherein:
the garment in part has a portion with a strong straining force;
the portion with a strong straining force is a first strong straining portion;
wearer's right and left parts of the first portion are connected at a position on the back side of the garment corresponding to any region from os sacrum to vertebrae lumbalis of the wearer's body; and
the first portion covers a region extending from said position through tops of bulges of the buttocks or vicinities thereof approximately in the direction of muscle fibers of musculus gluteous maximus at wearer's right and left to at least the vicinity of trochanter major.

(Emphasis added.)

At least the bolded features above are not disclosed by Hand. Hand in Fig. 1 shows bands A (so designated in the Office Action) that curve around along the perimeter of the buttocks to support and lift the buttocks. In the Office Action, the "tops of bulges of the buttocks" are indicated with arrows those regions that are above (and off to the side of) the bulges. However, the "tops of bulges of the buttocks" of claim 1 are not those regions so indicated in the Office Action. Rather, the phrase, "tops of the bulges of the buttocks or vicinities thereof" indicates those regions that are right on top of the bulges – for example, see Figs. 3, 9, 12, and 15 of the present application where the portions with a strong straining force cross right over the peaks of the buttocks; they do not curve around along the perimeters of the buttocks as the bands A of Hand do.

Furthermore, the bands A of Hand do not cover the buttocks "in the direction of muscle fibers of musculus gluteous maximus" as set forth in claim 1. For example, Fig. 1 of the present application shows bands that cross over the buttocks in the direction of the musculus gluteous

maximus. The bands A of Hand, on the contrary, curves around along the perimeters of the buttocks and does not cross in the direction of the musculus gluteous maximus.

Thus, at least for those reasons above, claim 1 is not anticipated by Hand.

Furthermore, claim 2 is not anticipated by the patent to Hand.

It is alleged in the Office Action that Hand's abdominal engaging part 11 corresponds to a second strong straining portion (portion (B)) of the present invention. However, the abdominal engaging part 11 only covers the abdominal area (see Fig. 2 and the description of the abdominal section 11 in column 1, line 66 to column 2, line 6). In contrast, the second strong straining portion of claim 2 is situated at a position on the garment corresponding to musculus rectus abdominis in a hypogastric region and covers a region extending obliquely downward from the position on musculus rectus abdominis in a hypogastric region approximately in the direction of muscle fibers of musculus obliquus internus abdominis at wearer's right and left to at least the vicinity of trochanter major. The abdominal engaging part 11 covers the abdominal area and extends downward to the crotch. Hand's abdominal engaging part 11 does not extend obliquely downward from the position on musculus rectus abdominis to approximately the wearer's right and left vicinity of trochanter major.

Thus, at least for the foregoing reasons, claim 2 is also not anticipated by the patent to Hand.

Allowable Claims

Claims 7-9, 13, 14, and 25-41 are deemed to be allowable if the §112 rejection, the §101 rejection, and objections as outlined above are addressed and the claims are rewritten in independent form. Thus, claims 7, 8, 9, 25, 27, 29, 30, 31, and 41 have been appropriately amended and rewritten in independent form to place those claims in condition for allowance.

Summary

At least for the foregoing reasons, all pending claims are believed to be allowable over the cited prior art.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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